Cochin Port Trust

NOTIFICATION

No. EM/298/74. *22nd July 1976.*

The following draft Regulations which the Cochin Port Trust Board proposes to make to further amend the Cochin Port Trust Employees (Allotment of Residence) Regulations, 1965, in exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), read with Section 124 of that Act, are hereby published for the information of persons likely to be affected thereby. Notice is hereby given that the draft will be taken up for consideration on 1-9-1976. Any objection or suggestion which may be received by the Port Trust Board with respect to the said draft on or before the date so specified, shall be taken into consideration by the Port Trust Board.

DRAFT REGULATIONS

1. (a) These Regulations may be called the Cochin Port Trust Employees (Allotment of Residence) Amendment Regulations, 1976.

(b) Unless otherwise specified in these Regulations, they shall come into force on the date of their publication in the Official Gazette.

2. In the Cochin Port Trust Employees (Allotment of Residence) Regulations, 1965,

(a) for clause (e) of Regulation 3, the following clause shall be substituted:—

"(e) "emoluments" means—

A. In the case of Class I and Class II Officers—

(i) Pay including officiating pay, personal pay, special pay, technical pay, dearness pay, and any other emoluments specially classed as pay by the Board ;

(ii) Compensatory Allowances, other than Dearness Allowance, Travelling Allowance, Mess Allowance, Uniform Allowance, Out-fit Allowance, Uniform grant and grant for horse and saddlery ;

(iii) Other payments received in the shape of a fixed addition to the monthly pay and allowances as a part of the authorised remuneration of a post ; and

(iv) Pension other than extraordinary pension.

B. In the case of Class III and Class IV employees—

(i) Pay including officiating pay, personal pay, special pay, technical pay and any other emoluments specially classed as pay by the Board.

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(ii) Pension other than extraordinary pension.

Note:—(Applicable to both A and B above)

(i) The emoluments of an employee on leave means the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(ii) In the case of an employee under suspension, the amount drawn by him on the first day of the allotment year in which he is placed under suspension, or if he is placed under suspension on the first day of the allotment year the emoluments drawn by him immediately before that date shall be taken as emoluments.

(iii) In the case of a suspended employee who is subsequently reinstated and whose period of suspension is treated as leave, the emoluments would be as under Note (i) above.

(iv) Overtime which is not sanctioned as a fixed addition to the pay of a post but is paid for according to overtime hours put in is not a part of "emoluments" for the purpose of rent. Fixed addition to the pay of a post in lieu of overtime shall, however, be reckoned as emoluments in respect of Class I and Class II Officers."

(b) for clause (j) of Regulation 3, the following shall be substituted:—

"(j) "rent", unless in any case it be otherwise expressly provided in these Regulations, means the sum of money payable monthly as mentioned below:—

Standard rent of the unit occupied for 10% of the monthly emoluments of the employee, whichever is less ;

Provided that in the case of Class III and Class IV employees whose pay is less than Rs. 200, the rent would mean $7\frac{1}{2}\%$ of monthly emoluments or the standard rent of the unit occupied, whichever is less ;

Provided further that where concession is given to Piece-rate Shore Labour, the principle governing such concession would continue to apply to determine the rent for quarters allotted to them as modified by the Board from time to time.

Explanation:—Notwithstanding anything contained in these Regulations, where a Class III or Class IV employee is allowed to occupy a residence of lower type than what he/she is entitled to and the quarter of the type to which he/she is entitled is not offered to him/her, the rent will be on the basis of the maximum of the pay range for which such quarters are allotted.

The first proviso and the explanation will come into effect from 1-1-1969.

Explanation for assessment of standard rent:—Standard monthly rent shall mean 1/200th of the capital cost of the residence.

Pooled standard rent of a residence shall mean the total standard monthly rent as calculated above for the residences belonging to each type divided by the total number of residences included in the pool."

(c) in Regulation 7, after sub-regulation (3), the following sub-regulation shall be added:—

"(4) Notwithstanding any other provisions contained in these Regulations, the Chairman may allot quarters to employees of local bodies or other Government departments who are closely connected with the working of the Port and who in the opinion of the Chairman, should be provided with accommodation for the smooth functioning of the Port. The monthly rent in such cases shall be a percentage of interest at the borrowing rate as applicable of the following expenditure divided by 12:

1. Capital cost of residence excluding water supply and sanitary fittings, etc.
2. Departmental charges at 20% on item 1.
3. Maintenance charges @ 2% of items 1 and 2.
4. Cost of water supply, sanitary fittings, etc.
5. Departmental charges @ 20% of item 4.
6. Maintenance charges @ 4% of items 4 and 5.
7. Cost of site and its preparation.
8. Municipal and other taxes."

(d) after Regulation 12, the following shall be added:—

"12A. The allottee will also be required to pay the cost of water, electric energy, etc., consumed and also a nominal rent of Re. 1 per mensem for each yielding coconut tree or whatever revised rent the Board may fix from time to time, if any, standing in the compound of the residence."

(e) In sub-regulation (3) of Regulation 13, the words "or the Board as the case may be" shall be deleted.

(f) for Regulation 20, the following shall be substituted:—

"20. *Forfeiture of House Rent Allowance*:—(1) No House Rent Allowance shall be payable to the employees to whom quarters are allotted.

Provided that when quarters are shared, the sharer or sharers belonging to Class III or Class IV service excluding the allottee shall be paid House Rent Allowance as may be admissible. If, however, the allottee occupies quarters on a rent free basis, the sharer or sharers will not be entitled to House Rent Allowance.

(2) The accommodation controlling authority shall furnish information regarding non-acceptance of allotment offer or failure to accept the allotted residence after acceptance or surrender of an allotment to the Head of the Department to regulate the grant of House Rent Allowance to the employee according to the orders on the subject.

Note:—Refusal to occupy accommodation of a type other than that for which the employee is eligible is not "refusal" for the purpose of this rule."

(g) in sub-regulation (3) of Regulation 23, the words and figures "under Fundamental Rule 45-A", "/Board, as the case may be," and "or the Board, as the case may be" shall be deleted.

(h) in sub-regulation (5) of Regulation 23, the words "or the Board, as the case may be" shall be deleted.

(i) in the proviso to Regulation 24, the words and figures "under Fundamental Rule 45-A", in both the places where they occur, shall be deleted.

(j) in regulation 27, the words "or the Board, as the case may be," shall be deleted.

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